

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

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In the Matter of

HARVEY KAUFMAN . HUDALJ 88-1311-DB
QUALITY HOMES OF .
ST. PETERSBURG, INC. .

Respondent .
.....

Harvey Kaufman, pro se

Dane M. Narode, Esquire
For the Department

Before: Alan W. Heifetz
Chief Administrative Law Judge

INITIAL DETERMINATION

Respondent, Harvey Kaufman, submitted a request for hearing in regard to action taken by the Assistant Secretary for Housing on November 7, 1988, proposing to debar him and his affiliate, Quality Homes of St. Petersburg, Inc., from further participation in HUD programs for a period of three years. Accordingly, a Notice of Hearing and Order was issued on December 15, 1988. That Order required the Government to file its Complaint on or before January 13, 1989, and Respondent was ordered to file his Answer on or before February 13, 1989. On January 13, 1989, counsel for the Government duly filed his Complaint. However, Respondent failed to file an Answer on or before the date due.

Having failed to file an Answer, Respondent was, on February 15, 1989, ordered to show cause by February 27, 1989, why summary decision should not be issued in favor of the Government. On February 21, 1989, Respondent's Answer to the Complaint was received.

On March 13, 1989, counsel for the Government moved to dismiss Respondent's Answer because the "Answer" was untimely and did not respond to the Order to Show Cause. Having considered the Government's Motion to Dismiss and Respondent's answer to that Motion, and in order to afford Respondent a final opportunity to comply with paragraph 3 of the Order dated December 15, 1988, the Motion to Dismiss was denied at that time; but Respondent was ordered to inform counsel for the Government and the undersigned of a telephone number at which he might be reached for the purpose of holding a telephone prehearing

conference; and he was to furnish the name, address and telephone number of the attorney mentioned in his Answer to the Motion to Dismiss. If that attorney had been retained to represent him, Respondent was directed to have the attorney file an appearance in this matter before April 10, 1989. Finally, a telephone prehearing conference, with either Respondent or his attorney, was scheduled for April 12, 1989, at 10:00 a.m., in order to set further procedural dates.

Respondent has failed to comply with any of the provisions of the March 28, 1989 Order and neither he, nor any attorney, made himself available for the telephone prehearing conference. During the telephone prehearing conference, counsel for the Government moved for dismissal of this proceeding based on Respondent's non-compliance with the Order.

Upon consideration of the Motion for Dismissal, and finding that Respondent's failure to respond to the Order to Show Cause indicates a callous disregard for the Rules and Regulations of the Department and thereby provides evidence of his irresponsibility as a contractor or grantee, as that term is used in the Debarment Regulations; and further finding that that irresponsibility warrants the imposition of an order of debarment against Respondent and his affiliate, Quality Homes of St. Petersburg, Inc., it is

ORDERED, that Respondent's appeal is dismissed and that Respondent, Harvey Kaufman and his affiliate, Quality Homes of St. Petersburg, Inc., are debarred from participation in HUD programs for a period of three years from April 12, 1989, to April 12, 1992.

Alan W. Heifetz
Chief Administrative Law Judge
U.S. Department of Housing
and Urban Development

Dated: April 13, 1989

CERTIFICATE OF SERVICE

I hereby certify that copies of this INITIAL DETERMINATION issued by ALAN W. HEIFETZ, Chief Administrative Law Judge, HUDALJ 88-1311-DB, were sent to the following parties on this 13th day of April, 1989, in the manner indicated:

CERTIFIED MAIL:

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